



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7431 TDD (304) 284-7512  
FAX (304) 284-7534 [www.morgantown.com](http://www.morgantown.com)

June 19, 2014

## CERTIFIED MAIL

Bruno Mandarano  
56 Summit Avenue  
Cedar Knolls, NJ 07927

**RE: BA14-02 / Bruno Mandarano / Administrative Appeal**

Dear Mr. Mandarano:

This letter is to notify you of the decision made by the Board of Zoning Appeals on your above referenced petition for administrative appeal concerning the Planning Division's denial of a building permit application at 318 Raymond Street to change a two-bedroom and one-bathroom dwelling unit to a three-bedroom and two-bathroom dwelling unit in the R-1A District.

The decision is as follows:


**Board of Zoning Appeals, June 18, 2014:** The Board voted unanimously to uphold the Planning Division's administrative determination on the matter based on the following findings of fact and conclusions of law:

1. That the existing "Two-Family Dwelling" use at 381 Raymond Street is a legal, pre-existing, nonconforming use within the R-1A District.
2. That the petitioner's proposed renovations and improvements to the subject nonconforming "Two-Family Dwelling" use will change the subject dwelling unit.
3. That the petitioner's proposed renovations and improvements constitute an enlargement of the nonconforming "Two-Family Dwelling" use by increasing the residential occupancy density of same; the intentions of which are confirmed by the petitioner in his administrative appeal application.
4. That the proposed renovations and improvements, which result in a change in and enlargement of the subject nonconforming "Two-Family Dwelling" use are prohibited under Article 1373.01(A) of the Planning and Zoning Code.
5. That the building at 381 Raymond Street was not manifestly arranged or designed for the change in and enlargement of the nonconforming "Two-Family Dwelling" use as intended by the petitioner's proposed renovations and improvements.
6. That the petitioner's proposed renovations and improvements constitute structural alterations within the building in order to change and enlarge the nonconforming "Two-Family Dwelling" use.
7. That Article 1373.01(B) prohibits the petitioner's intentions to pursue structural alterations within a building that was not manifestly arranged or designed for the change in and enlargement of the nonconforming "Two-Family Dwelling" use.

8. That the nonconforming "Two-Family Dwelling" use status applies to the structure as provided in Article 1373.02(C).
9. That the petitioner's proposed renovations and improvements to the nonconforming "Two-Family Dwelling" use and nonconforming structure results in an increase in the extent of its non-conformity by increasing the residential occupancy density of same.
10. That Article 1373.02(A) prohibits the petitioner's intention to increase the extent of subject structure's non-conformity.
11. That the petitioner's proposed renovations and improvements are not considered normal maintenance and repair; the intentions of which are confirmed by the petitioner in his administrative appeal application.
12. That the petitioner's proposed renovations and improvements do not have the effect of bringing the building into further compliance with the West Virginia Building Code as ordered by the Code Enforcement Division.
13. That the right under Article 1373.02(D) for owners of nonconforming structures to perform normal maintenance and repair and/or bring the building into further compliance with the West Virginia Building Code as ordered by the Code Enforcement Division does not include the petitioner's proposed renovations and improvements.
14. That the petitioner's proposed renovations and improvement result in a physical change to the design of the structure in such a manner that intensifies the nonconforming use.
15. That Article 1373.02(D) prohibits the petitioner's intention of physically changing the design of the structure to intensify the nonconforming use.
16. That the petitioner's building permit application for the proposed renovations and improvements at 318 Raymond Street may not be approved as they are in conflict with Planning and Zoning Code Articles 1373.01(A), 1373.01(B), 1373.02(A), and 1373.02(D).

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days of this notification.

Respectfully,

  
Christopher M. Fletcher, AICP  
Director of Development Services